

In the District Court of the United States
For the District of Alaska

Albert Dewey Sevy,)	case number F05-0008 CV (RRB)
)	
plaintiff,)	plaintiff's motion for findings of fact
)	and conclusions of law
vs.)	
)	
Universal Bank, n.a., et al.,)	
)	
defendants.)	

FILED
US DISTRICT COURT
DISTRICT OF ALASKA

2005 NOV -3 PM 2:15

Q

Findings of fact

1. Please state the name of each competent fact witness who appeared and testified on behalf of all the defendants.

2. Please cite, from the record, verbatim, all testimony occurring in the record by witnesses for either the plaintiff or defendant.

3. Please cite, from the record, what evidence was reliable to determine that Winston S. Burbank is a judge.

Conclusions of law

1. Please cite where Congress has repealed Federal Rules of Evidence, rule 201(4) and that rules requirement that where the court is on notice of certain adjudicative facts and the opposing party has entered no objection to the adjudicative facts, that the court has a non-discretionary duty to conduct a jury trial and instruct the jury that the jury shall regard the factual contentions of judicial notice as conclusive.

2. Please cite where the United States Supreme Court has reversed the following authorities: *INTERNATIONAL POSTAL SUPPLY COMPANY v. BRUCE* (05/31/04) 194 U.S. 601, 48 L. Ed. 1134, 24 S. Ct. at page 609. *OLD COLONY TRUST COMPANY v. CITY SEATTLE ET AL.* (06/01/26) 271 U.S. 426, 46 S. Ct. 552, 70 L. Ed. at page 431, *United States v. Lee*, 106 U.S. 196, 220 and *Burton v. United States*, 202 U.S. 344, *IN RE AYERS*; *IN RE SCOTT*; *IN RE MCCABE*. 123 U.S. 443, 31 L. Ed. 216, 8 S. Ct. at page 512, *BRISCOE ET AL. v. LAHUE ET AL.* (03/07/83) 460 U.S. 325, 103 S. Ct. 1108, 75 L. Ed. 2d 96, 51 U.S.L.W. at page 359, *Yates v. Village of Hoffman Estates, Illinois*, 209 F. Supp. 757 (N.D. Ill. 1962), *Scheuer v. Rhodes*, 416 U.S. 232, 94 S.Ct. 1683, 1687

ORIGINAL

29

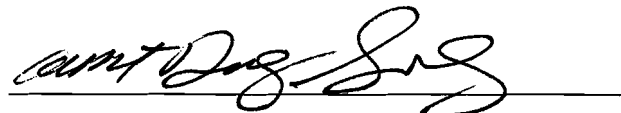
(1974), *Rankin v. Howard*, 633 F.2d 844 (9th Cir. 1980) cert. Denied, 451 U.S. 939, 101 S. Ct. 2020, (1981), *Pierson v. Ray*, 386 U.S. 547, 554, 87 S.Ct. 1213 (1967), and *Gregory v. Thompson*, 500 F.2d 59 (9th Cir. 1974) cohesively demonstrating that judges are not immune from civil and criminal damages where the judge, proceeding according to a private prior agreement, uses judicial position for purposes of fraud and extortion.

3. Please cite the authorities the court found reliable to vitiate law occurring at *Sun Valley Foods Co. v. Detroit Marine Terminals, Inc.* 801 F.2d 186, 189(6th Cir. 1985)(quoting *Resolute Ins. Co. v. North Carolina* 397 F.2d 586, 589 (4th Cir. 1968)), *Wood v. Orange County*, 715 F.2d 1543, 1547 (11th Cir. 1983), cert. Denied, 467 U.S. 1210, 104 S. Ct. 2398, 81 L. Ed. 2d 355 (1984), *James v. Draper* (In re. Lake), 202 B.R. 754, 758 (B.A.P. 9th Cir. 1996), *Kalb v. Fuerstein*, 308 U.S. 433, 438-40 (1940), *Plyer v. Moore*, 129 F. 3d 728, 732 (4th Cir. 1997), *Young v. Murphy*, 90 F.3d 1225, 1230 (7th Cir. 1992), and *In re: Gruntz*, 202 F.3d 1074, 1079 (9th Cir. 2000) wherein controlling and persuasive authorities validate that the federal district court has not only the power but the duty to review state court judgments obtained by fraud or in contravention of due process.

4. Please cite that authority of the United States Supreme Court wherein the United States Supreme Court reversed that honorable court's decision in *Haines v. Kerner*, requiring that in the case of pro se litigants, that pro se litigants are entitle to opportunity to present evidence in support of their claims.

5. If you, Ralph Beistline, are unable or unwilling to answer each and every request for a findings of fact or conclusion of law, please explain why your order of October 24th 2005 does not rises to a violation of 18 U.S.C. §§ 1001 & 1503.

Prepared and submitted by:



Albert Dewey Sevy

Certificate of mailing

I, Albert Dewey Sevy, certify that November 3, 2005, I mailed a true and correct copy of the above and foregoing brief in opposition to: (names and addresses of all attorneys who have entered and appearance)

A handwritten signature in black ink, appearing to read 'Albert Dewey Sevy', is written over a horizontal line.

Albert Dewey Sevy

Copy to:

David W. Márquez
P.O. Box 110300
Juneau, AK 99811-0300